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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/814,591	03/31/2004	Joseph E. Benedek	MSFT122010	5879
26389 7590 05/30/2007 CHRISTENSEN, O'CONNOR, JOHNSON, KINDNESS, PLLC 1420 FIFTH AVENUE SUITE 2800 SEATTLE, WA 98101-2347			EXAMINER CONTINO, PAUL F	
			ART UNIT 2114	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/814,591	Applicant(s) BENEDEK ET AL.	
	Examiner Paul Contino	Art Unit 2114	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 March 2007.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION: Non-Final Rejection

Response to Arguments

1. Applicant's arguments filed March 13, 2007, with respect to the rejection of claim 19 under Smith, have been fully considered but they are not persuasive.

The Examiner respectfully disagrees with the Applicant's arguments on pages 10 and 11 regarding Smith as failing to teach of disabling one or more plug-in modules used in conjunction with a Web browser. The Applicant argues that specific plug-in modules are not disabled. However, the claim language recites only disabling plug-ins in general. Further, the Applicant agrees that Smith does in fact allow for disabling of plug-ins, as recited in lines 20-21 on page 11. The rejection of the limitation in claim 19 with regards to disabling of plug-ins is upheld by the Examiner as proper, and is presented below in the claim rejections.

2. Applicant's arguments with respect to claims 1-18 have been considered but are moot in view of the new grounds of rejection.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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3. Claims 3, 4, 12, and 13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 3, 4, 12, and 13 recite the limitation "the user". There is insufficient antecedent basis for this limitation in the claim.

* * *

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claim 21 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claims contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Claim 21 recites "whether each plug-in module ... may be updated". The Applicant's specification discloses only determining an update for a plug-in that has generated a failure, as on page 12 in lines 21-22. Determining whether each plug-in module used in conjunction with a Web browser has an update implies that every plug-in would be considered for updating. However, only the plug-ins that have generated a failure are considered for updating.

The Examiner recommends amending claim 21 to read "whether each plug-in module that generated a failure used in conjunction with the Web browser", or similar language, in order to overcome the rejection under 35 U.S.C. 112, first paragraph.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-3, 5-12, and 14-18 are rejected under 35 U.S.C. 103(a) as being obvious over Glerum et al. (U.S. Patent No. 6,629,267) in view of WORD (*Windows 95/98/2000/NT MS Word 97-2000 Document Viewer Installation and Getting Started*).

The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art only under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 103(a) might be overcome by: (1) a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not an invention "by another"; (2) a showing of a date of invention for the claimed subject matter of the application which corresponds to subject matter disclosed but not claimed in the reference, prior to the effective U.S. filing date of the reference

under 37 CFR 1.131; or (3) an oath or declaration under 37 CFR 1.130 stating that the application and reference are currently owned by the same party and that the inventor named in the application is the prior inventor under 35 U.S.C. 104, together with a terminal disclaimer in accordance with 37 CFR 1.321(c). This rejection might also be overcome by showing that the reference is disqualified under 35 U.S.C. 103(c) as prior art in a rejection under 35 U.S.C. 103(a). See MPEP § 706.02(l)(1) and § 706.02(l)(2).

As in claims 1 and 10, Glerum et al. discloses in a computing device and computer-readable medium having at least one module that extends the functionality of an application, a method of identifying a module that generated a failure, comprising:

in response to receiving notice of a failure, obtaining selected contents of memory of said computing device created at the time of the failure (*column 2 lines 25-33 and column 6 lines 37-54, where information reported is inherently memory content*);

generating a failure signature that is characteristic of the module that generated the failure (*column 6 lines 37-54, where the bucket information is a failure signature; where particular information in the bucket, such as an AppName is also a failure signature*); and

comparing said failure signature with one or more failure signatures generated by known modules (*column 6 lines 30-32 and 65-67, and column 7 lines 1-4*).

However, fails to teach of a plug-in module that extends the functionality of a Web browser. WORD teaches of a plug-in that extends the functionality of a Web browser (*page 1*).

It would have been obvious to a person skilled in the art at the time the invention was made to have included the plug-in as taught by WORD in the invention of Glerum et al. This

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would have been obvious because Glerum et al. teaches of an exemplary application "WORD" as having a fault and reporting related fault information (*column 4 line 21 and column 5 lines 8-12*). Further, the Applicant discloses on page 2 in lines 20 and 21 that it is known for a plug-in module in a web browser to fail.

As in claims 2 and 11, Glerum et al. teaches if the failure signature is characteristic of a known module, determining if the known module has an update that does not generate a failure (*column 7 lines 6-7, where the fix is a fault-free update*).

As in claims 3 and 12, Glerum et al. teaches if the known module has an update that does not generate failures, informing the user of the availability of the update (*column 10 lines 12-16*).

As in claims 5 and 14, Glerum et al. teaches obtaining the contents in memory of said computing device at the time of the failure includes obtaining a minidump file (*column 7 line 62 through column 8 line 16*).

As in claims 6 and 15, Glerum et al. teaches generating a failure signature from the contents of memory that is characteristic of the module that generated the failure includes:

identifying a library that was executing at the time of the failure (*column 8 line 16, library mso.dll and/or outllib.dll*);

determining the module that uses said library (*column 6 lines 43-45 and column 8 line 16, ModuleName*); and

identifying the application that interacts with the module that uses said library (*column 6 lines 39-41, AppName*).

As in claims 7 and 16, Glerum et al. teaches identifying the library that was executing at the time of the failure includes searching a minidump file (*column 7 line 62 through column 8 line 16*).

As in claims 8 and 17, Glerum et al. teaches determining the module that uses the library includes searching a system registry for associations between modules and libraries (*column 8 lines 17-22*).

As in claims 9 and 18, Glerum et al. teaches identifying the application that interacts with the module includes searching a system registry for associations between applications and modules (*column 8 lines 17-22*).

* * *

6. Claims 4 and 13 are rejected under 35 U.S.C. 103(a) as being obvious over Glerum et al. in view of WORD, further in view of AAPA (Applicant's associated prior art).

As in claims 4 and 13, the combined invention of Glerum et al. and WORD teaches of a plug-in module. However, the combined invention of Glerum et al. and WORD fails to teach of

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disabling a plug-in module that generated a failure. AAPA teaches of disabling a plug-in module that generated a failure (*Specification: page 3 lines 2-3*).

It would have been obvious to a person skilled in the art at the time the invention was made to have included the disabling as taught by AAPA in the combined invention of Glerum et al. and WORD. This would have been obvious because disabling a faulty module prevents recurrence of a fault. Further, Glerum et al. teaches of updating a module in the form of a fix, similar to the updating as taught by AAPA (*Glerum et al.: page 7 lines 6-7*).

* * *

7. Claim 19 is rejected under 35 U.S.C. 103(a) as being obvious over Smith (*Internet Explorer Security Options, Part 2*) in view of Q320219 (*Macromedia Flash Player 5.0 Causes an Error Message in Windows XP*).

As in claim 19, IE teaches a computer-readable medium bearing computer-executable instructions which, when executed:

identifies plug-in modules used in conjunction with a Web browser (*Figure 2, ActiveX controls and plug-ins*);

displays a graphical user interface that lists the plug-in modules used in conjunction with a Web browser (*Figure 2*); and

supports disabling one or more of the plug-in modules used in conjunction with a Web browser (*Figure 2, "disable" radio button*).

However, Smith fails to teach of identifying a plug-in module that generated a failure. Q320219 teaches of identifying a plug-in module that generated a failure (*page 1, Module Name swflash.ocx - Macromedia Flash Player*).

It would have been obvious to a person skilled in the art at the time the invention was made to have included the plug-in failure identification as taught by Q320219 in the invention of Smith. This would have been obvious because fault reporting of an error as illustrated in the Q320219 document is an inherent feature of Internet Explorer, as are the elements taught by Smith.

* * *

8. Claim 20 is rejected under 35 U.S.C. 103(a) as being obvious over Smith in view of WORD, further in view of Glerum et al., further in view of REG (*Microsoft Computer Dictionary*, page 445).

As in claim 20, Smith teaches the limitations of claim 19. However, Smith fails to teach of searching the system registry. WORD teaches of a plug-in module for the Internet Explorer web browser (*page 1*). Glerum et al. teaches of associations between plug-in modules and a Web browser (*column 6 lines 37-63, where the AppName, AppVer, ModuleName, and ModuleVer are interpreted as associations, in light of the Applicant's description as such on page 12 in lines 10-17*). REG teaches of a registry (*page 445*).

It would have been obvious to a person skilled in the art at the time the invention was made to have included a plug-in as taught by WORD in the invention of Smith. This would have been obvious because the Word Viewer as taught by WORD extends the functionality of a web browser without the necessity of installing the full Microsoft Word program. One skilled in the art would have desired a fault capability and error reporting for any type of error present in Internet Explorer. Further, the Applicant discloses on page 2 in lines 20 and 21 that it is known for a plug-in module in a web browser to fail.

It would have been obvious to a person skilled in the art at the time the invention was made to have included the associations as taught by Glerum et al. in the combined invention of Smith and WORD. This would have been obvious because Glerum et al. offers a means of reporting information about a failure in order for diagnosis and correction (*page 1 lines 59-63*). Further, the exemplary module WinWord.exe as taught by Glerum et al. is interpreted as equivalent to the plug-in Word Document Viewer as taught by WORD.

It would have been obvious to a person skilled in the art at the time the invention was made to have included a registry as taught by REG in order to determine the information present in the combined invention of Smith, WORD, and Glerum et al. This would have been obvious because it is well known in the art that such profile and application information is stored in a registry (*page 445*).

* * *

9. Claim 21 is rejected under 35 U.S.C. 103(a) as being obvious over Smith in view of KB276550 (*Description and Availability of Internet Explorer Error Reporting Tool*).

As in claim 21, Smith teaches the limitations of claim 19. However, Smith fails to teach of indicating whether a plug-in module may be updated. KB276550 teaches if a plug-in module may be updated (*page 4, second paragraph, direction to an appropriate Web site*).

It would have been obvious at the time the invention was made to have included the update characteristics as taught by KB276550 in the invention of Smith. This would have been obvious because KB276550 offers a solution to fix errors present in a system (*page 1*). Further, both elements disclosed by KB276550 and Smith are present in the Internet Explorer web browser in order to make the user aware of potential faults, and a means for fixing the faults in order to continue using the Internet Explorer browser.

Conclusion

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul Contino whose telephone number is (571) 272-3657. The examiner can normally be reached on Monday-Friday 9:00 am - 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Scott Baderman can be reached on (571) 272-3644. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

PFC
5/24/2007



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